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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/587,302	06/05/2000	Hoa Thu Tran	NCRC-0011-US(9172)	7601

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EXAMINER

ANYA, CHARLES E

ART UNIT	PAPER NUMBER
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2126

DATE MAILED: 08/22/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/587,302

Applicant(s)

TRAN ET AL.

Examiner

Charles E Anya

Art Unit

2126

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 May 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3. 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**Claims 1 – 22 are rejected under 35 U.S.C. 102(e) as being anticipated by
U.S. Pat. No. 2002/0,112,150 A1 to Lawing et al.**

As to claim 13, Lawing teaches a plurality of nodes (Computer Network 10 page 2 paragraph 0021), software components executable in corresponding nodes (Login Routine 20 page 2 paragraph 0022, Startup routine 22 and Launch Manager 24 paragraph 0023), a manager module executable in the system to invoke services to control the software components (“...launch manager...” page 2 paragraph 0020, 0023).

As to claim 14, Lawing teaches the manager module comprises plural instances executable on corresponding nodes (Launch Manager 24 page 2 paragraph 0023).

As to claim 15, Lawing teaches manager module to include WINDOWS service control manager (see rejection of claim 14, “...Windows 95...Window NT...” page 3 paragraphs 0024 – 00227).

As to claim 16, see the rejection of claim 15.

As to claim 17, Lawing teaches executing the manager module in order to invoke services to start the software components (Launch Manager 24 page 2 paragraph 0023).

As to claims 18 and 19, see the rejection of claim 17.

As to claim 20, claim 13 covers claim 20 except for a manager module executable to enable a monitoring module to monitor statuses of the components in the nodes.

Lawing teaches a manager module executable to enable a monitoring module to monitor statuses of the components in the nodes (“...trigger...” page 2 paragraph 0022, page 2 paragraph 0020, Steps 62,82 and 102 page 3 paragraph 0028).

As to claim 21, see the rejection of claims 13 and 17.

As to claims 4 and 22, see the rejection of claim 17.

As to claim 1, Lawing teaches a processing system having plural nodes (Computer Network 10 page 2 paragraph 0021), receiving a request to start the system (“...login script...” page 3 paragraph 24), determining one or more selected software components to start in each node (“...determines...” page 3 paragraph 0024) and invoking services to start the selected software components in the nodes by a modules (Step 38 page 3 paragraph 0024, also see the rejection of claim 13).

As to claim 2, see the rejection of claims 15 and 16.

As to claims 3 and 12, see the rejection of claims 15 – 17.

As to claim 5, see the rejection of claim 16.

As to claim 6, Lawing teaches launching a start routine and using the start routine to issue a request for the manger module to invoke services (Launch Manager 24 page 2 paragraph 0023, Steps 142,162 and 182).

As to claims 7 and 8, see the rejection of claim 14.

As to claim 9, Lawing teaches one of the nodes as a master node (Network 12 page 2 paragraph 0021 and 0022) and whereby the launching of the start routine is performed in the master node (Startup Routine 22 page 2 paragraph 0023).

As to claim 10, Lawing teaches communicating requests to manager module instances in the nodes to start corresponding services by the start routine (page 2 paragraph 0023).

As to claim 11, Lawing teaches invoking the services that includes invoking one service for each software component ("...load predetermined..." page 3 paragraph 0024).

Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles E Anya whose telephone number is (703) 305-3411. The examiner can normally be reached on M-F (8:30-5:30) First Friday off.

The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Charles E Anya
Examiner
Art Unit 2126


JOHN FOLLANSBEE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100